



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JULIE M. STAMPS,)	
)	
Plaintiff,)	Case No. 3:21-cv-00746
)	
v.)	District Judge Trauger
)	
THE LAMPO GROUP, LLC,)	Jury Demand
)	
Defendant.)	

MOTION TO SUBSTITUTE PARTY AS PLAINTIFF

Henry E. Hildebrand, III, Chapter 13 Trustee, by and through counsel, respectfully requests that the Court substitute him as the plaintiff in this action.

The original plaintiff, Julie M. Stamps, filed a bankruptcy petition under Chapter 13 on August 25, 2021, in the Middle District of Tennessee (Case No. 21-02597). The movant is the Trustee of the bankruptcy estate, appointed under 28 U.S.C. § 586(b).

The Chapter 13 plan confirmed by the Bankruptcy Court provides for Trustee to retain this lawsuit, as property of the estate, and authorizes him to pursue the action or settle it (see Part 9). A copy of the confirmation order is attached as an exhibit. (The Trustee and the Defendant have reached a settlement, and the Bankruptcy Court has announced approval of that settlement.)

Based on this order and the effect of 11 U.S.C. § 541 (defining the property of the bankruptcy estate) and 11 U.S.C. § 323 (providing that the trustee in a bankruptcy case has the capacity to sue and be sued), the Trustee submits that a substitution of parties is appropriate.

WHEREFORE, the premises considered, the Trustee requests that the Court substitute him as the plaintiff in this action.